

I.C.R. 29. Motion for Judgment of Acquittal.

Idaho Criminal Rule 29. Motion for Judgment of Acquittal.

(a) Motion before submission to jury. The court on motion of the defendant or on its own motion shall order the entry of judgment of acquittal of one or more offenses charged in the indictment, information or complaint after the evidence on either side is closed if the evidence is insufficient to sustain a conviction of such offense or offenses. If a defendant's motion for judgment of acquittal at the close of the evidence offered by the state is not granted, the defendant may offer evidence. In the event the court dismisses the charged offense, the court must consider whether the evidence would be sufficient to sustain a conviction on a lesser included offense.

(b) Reservation of decision on motion. If a motion for judgment of acquittal is made at the close of all the evidence, the court may reserve decision on the motion, submit the case to the jury, and decide the motion either before the jury returns a verdict or after it returns a verdict of guilty or is discharged without having returned a verdict.

(c) Motion after discharge of jury. If the jury returns a verdict of guilty or is discharged without having returned a verdict, a motion for judgment of acquittal may be made or renewed within fourteen (14) days after the jury is discharged or within such further time as the court may fix during the fourteen (14) day period. If a verdict of guilty is returned the court may, on such motion, set aside the verdict and enter judgment of acquittal. If no verdict is returned the court may enter a judgment of acquittal. It shall not be necessary to the making of such a motion that a similar motion has been made prior to the submission of the case to the jury.

(Adopted December 27, 1979, effective July 1, 1980; amended March 19, 2009, effective July 1, 2009.)

Source URL: <http://www.isc.idaho.gov/icr29>